

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10366 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The order of cancellation of Fair Price shop of the petitioner herein issued by the Revenue Divisional Officer, Chittoor-third respondent herein vide proceedings D.Dis.B/5557/2017, dated 20.03.2018, is under challenge in the present Writ Petition.

According to the petitioner she was appointed as Fair Price shop dealer of shop No.10 of Ammagaripalle village, Penumur mandal, Chittoor District in the year 1990-91. It is stated that there was no complaint against the petitioner herein. However, the Revenue Divisional Officer-third respondent herein issued a show cause notice bearing Roc.B/5557/2017, dated 27.01.2018, calling upon the petitioner to show cause as to why action should not be taken against her under the Control Order. The third respondent framed the following charges against the petitioner herein.

“Charge No.I: The petitioner made a complaint i.e. though the F.P.Shop Dealer (husband) is working in Revenue Department as a VRO, why the dealer has not resigned her dealership.

Charge No.II: The F.P.Shop Dealer has not exhibited the stock board cum price list in the premises of F.P.Shop”.

In response to the said show cause notice and the charges contained therein, the petitioner herein submitted an explanation on 05.02.2018. In the said explanation, while denying the allegations, the petitioner herein stated about the order of the State Government vide G.O.Ms.No.12, dated 06.03.2012 and the guidelines issued vide G.O.Ms.No.4, dated 19.02.2011 and the clarification issued by the Commissioner of Civil Supplies vide Ref.No.N5/1967/2014, dated 03.07.2014. The petitioner herein denied the charge No.II also saying that she shifted the stocks in the Fair Price shop to the premises of her newly constructed house, which is just abutting to the existing Fair Price shop, just one day prior to inspection. The petitioner herein also stated that she has been sincere throughout in maintaining the Fair Price shop for the past 25 years without any complaint. The Revenue Divisional Officer-third respondent herein, vide proceedings D.Dis.B/5557/2017, dated 20.03.2018, cancelled the authorization of the petitioner herein.

While referring to the impugned order, it is stated by the learned counsel for the petitioner that, without framing any charge as to the alleged variation in the stock, the third respondent herein passed the impugned order. The impugned

order also does not refer to anyone of the Governmental orders referred to in the explanation.

Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the Writ Petition, keeping it open for the petitioner herein to avail the remedy of appeal against the order impugned while making some interim arrangement having regard to the facts and circumstances of the case.

In view of the above, the Writ Petition is disposed of, keeping it open for the petitioner to file an appeal before the Joint Collector, Chittoor District-second respondent herein against the order impugned in the present Writ Petition, passed by the Revenue Divisional Officer, Chittoor-third respondent herein vide proceedings D.Dis.B/5557/2017, dated 20.03.2018, within a period of two weeks from the date of receipt of a copy of this order, and if any such appeal is filed before the second respondent, the same be considered and appropriate orders be passed, strictly in accordance with law, after giving opportunity of being heard to the petitioner herein. Till such exercise attains finality, the order impugned in the present Writ Petition shall remain suspended. However, it is made clear that, if the petitioner fails to file appeal against the order impugned, within the time as stipulated above, this order will not enure to the benefit of the petitioner.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

A.V.SESHA SAI,J

29th March, 2018

Note:

*Furnish C.C. of the order
within three days.*

*B/o
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